

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

OLIN CORPORATION,)	
)	
Petitioner,)	
)	
v.)	PCB 91-87
)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On May 23, 1991, Olin Corporation ("Olin") filed a petition for hearing to review certain conditions contained in modifications made by the Illinois Environmental Protection Agency ("Agency") of Olin's closure plans for several different hazardous waste units at the East Alton, Illinois facility. On December 28, 1993, Olin and the Agency filed a joint status report pursuant to Board order of September 23, 1993. The parties report they continue to pursue settlement and as was stated in their previous joint status report filed September 20, 1993, they have agreed in principle to coordinate the closure of several of the units involved in this appeal with the RCRA Facility Investigation planned as part of the facility's Part B hazardous waste permit. The parties re-state from the prior status report, that pursuant to settlement discussions, on September 7, 1993, Olin submitted to the Agency, a modified closure/post-closure plan for three of the units which are the subject of this appeal. Olin again states that certificates of clean closure for the other units which are the subject of this appeal were previously submitted to the Agency.

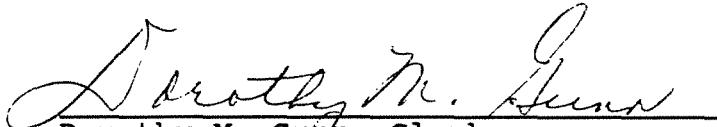
Since September 20, 1993, the Agency has reviewed the modified closure/post-closure plan and the closure certifications and is currently discussing the details of these plans with Olin. On October 6, 1993, the Agency determined that the closure of seven of the hazardous waste units which are the subject of the appeal have met the requirements of the Agency's interim status standards. Olin and the Agency are discussing the status of the three remaining units for which Olin submitted certificates of clean closure, but the Agency has not yet determined whether the closure meets the interim status standards.

The parties intend to continue their discussions and are hopeful they will lead to certification of closure for most of the closing units and agreement on closure/post-closure plan conditions for the remaining units. Olin states that if agreement is reached, it will move for dismissal of the appeal. The parties also state they expect, most, if not all issues in the appeal may be resolved without a hearing, and they have therefore not commenced discovery.

The Board accepts the status report filed by Olin and the Agency. As the parties may be aware, on January 8, 1993, Olin filed a one-year waiver of the statutory decision deadline in this case from May 1, 1993 to May 1, 1994. Though the parties have stated a hearing may not be required and discovery has not yet been commenced, should a hearing become necessary, the Board, and the assigned hearing officer, require 120 days in which to schedule the hearing, give public notice, establish a briefing schedule, receive and review the transcript and fully deliberate on the matter. Given such time restraints and the parties' stated intent, the Board must receive a further waiver of the statutory decision deadline prior to the January 20, 1994 Board Meeting, or we will be required to direct the assigned hearing officer to set a hearing schedule. If such a waiver is timely filed, we will re-establish a status report schedule at the January 20th Board Meeting.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board